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In re Application of :
BUNTAIN (deceased) :
Application No.: 10/530,072 :
PCT No.: PCT/IB03/04606 :
Int. Filing Date: 01 October 2003 :
Priority Date: 01 October 2002 :
Attorney Docket No.: 8830-330(2084212) :
For: RIB FOR A WALL CONSTRUCTION :

DECISION ON
PAPERS UNDER 37 CFR 1.42

This decision is issued in response to applicant's "Renewed Submission under 37 CFR 1.42 and Request for Reconsideration" filed 04 October 2006. No petition fee is required.

BACKGROUND

On 01 October 2003, applicant filed international application PCT/IB03/04606, which claimed a priority date of 01 October 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 15 April 2004. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 01 April 2005.

On 31 March 2005, applicant filed a transmittal for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; a preliminary amendment, and an unexecuted declaration.

On 28 November 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497 and the surcharge fee required under 37 CFR 1.492(e). The notification set a two-month time limit in which to respond.

On 28 February 2006, applicant filed a declaration executed by Christina Stevens Buntain on behalf of deceased inventor, Christopher Charles MacIntosh Buntain. In a Decision dated 15 May 2006, applicant's request was refused.

On 21 June 2006, applicant filed a renewed request under 37 CFR 1.42. In a Decision dated 07 August 2006, applicant's request was refused.

On 04 October 2006, applicants filed the present renewed request under 37 CFR 1.42.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The declaration submitted on 04 October 2006 is executed by Christina Stevens Buntain as the "legal representative" of the deceased inventor, Christopher Charles MacIntosh Buntain. The declaration provides the residence, post office address, and country of citizenship for the deceased inventor and the legal representative. Therefore, the declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b).

CONCLUSION

The papers filed under 37 CFR 1.42 are ACCEPTED.

The application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.



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